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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,860	10/11/2000	Flavio Borgna	194112US6PCT	5550

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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/600,860

Applicant(s)
BORGNA

Examiner
James O. Hansen

Art Unit
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 30, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-43 and 45-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 and 49 is/are allowed.
- 6) ☒ Claim(s) [see pages 3-4 of the office action] is/are rejected.
- 7) ☒ Claim(s) 33-45/32, 39/29-31 & 50/49 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3637

DETAILED ACTION

Drawings

1. The drawings are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The “buffer strip” [claim 43] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It is noted that applicant has stated that this limitation is indicated by reference numerals 22 & 23 - known as a “backrest” in the specification. The examiner suggests amending either the claim or the specification so as to exhibit a consistent terminology for the limitation in question. ✓

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification lacks proper antecedent basis for the terminology of “one buffer strip” [claim 43]. As to the “internal relief” limitation, it is viewed that “relief” [as employed in the claims] and “projection” [as employed in the specification] are equivalent structures and is clear as to which elements are being referenced / claimed.

Art Unit: 3637

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 29-31, 33/29-31, 34/30-31, 35/30-31, 36/29-31, 37/29-31, 38/29-31, 40/29-31, 41/29-31, 42/29-31, 43/29-31 & 45/29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickford. Bickford (figures 1-7) teaches of a "refrigerator shelf" (see fig. 2) comprising: at least one support panel (13) inherently formed of at least one sheet of glass or plastic [the panel is defined as being transparent], the panel having a plurality of corners; and a plurality of cornerpieces/coverpieces (11, 12) each positioned to cover one of the plurality of corners of the support panel and a part of one side of the panel, wherein the plurality of cornerpieces/coverpieces cover the entire periphery of the support panel when assembled and at least one of the plurality of coverpieces is adapted to slide in another one of the plurality of coverpieces so as to form a telescopic set of coverpieces. As to claim 33, the plurality of cornerpieces/coverpieces comprise plastic as evident in the cross-hatching [depicted in fig. 3 for example]. As to claim 40, at least one of the plurality of cornerpieces/coverpieces includes at least an assembling means (56 for example) that is capable of assembling with an item of furniture. As to claim 41, at least one of the plurality of cornerpieces/coverpieces includes at least one stiffening fin (32 for example). As to claim 42, at least one of the plurality of cornerpieces/coverpieces includes at least one rim (34 for example) configured to prevent liquids

Art Unit: 3637

from running off the shelf (as depicted in figs. 2-3). As to claim 43, at least one of the plurality of cornerpieces/coverpieces includes at least one buffer strip (31 for example). As to claim 45, at least one of the plurality of cornerpieces/coverpieces includes an attaching means (31 for example) capable of attaching at least one additional element.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims ~~46-48~~ & ~~50/46-48~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford. Bickford teaches applicant's inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of manufacturing a "refrigerator shelf". However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a shelf as prescribed by applicant's method because the normal assembly of Bickford's structure would inherently encompass the steps as set forth.

Allowable Subject Matter

7. Claims 32 & 49 are allowed.

Art Unit: 3637

8. Claims 33-45/32, 39/29-31 & 50/49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed May 30, 2002 have been fully considered but they are not persuasive. As to applicant's remarks that the similar structure of Bickford is not a "refrigerator shelf" note the following: as presently claimed, the recitation of a "refrigerator shelf" does not impart any new structural aspects [i.e., the recitation does not tie the "shelf" into a refrigerator per se]. The prior art relied upon is still deemed to address every limitation as presently claimed and as such, could be utilized within a refrigerator as a shelf.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

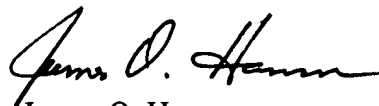
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

Art Unit: 3637

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers are as follows: (703) 305-3597 & (703) 305-7687.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659 or to the unit fax at (703) 308-3691. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.


James O. Hansen
Primary Examiner
Technology Center 3600

JOH
August 5, 2002